

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIEGO BAUTISTA,

Plaintiff,

-against-

CORRECTION OFFICER HIRALDO,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/19/2022

22-CV-3143 (MKV)

ORDER OF SERVICE

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff, currently incarcerated at Elmira Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983. He alleges, among other things, that when he was in the custody of the New York City Department of Correction, at West Facility, Sprung #6 on Rikers Island, Defendant used excessive force against him. By order dated April 18, 2022, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis*.<sup>1</sup>

### DISCUSSION

#### A. Service on Correction Officer Hiraldo

The Clerk of Court is directed to notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that Correction Officer Hiraldo (generally stationed at West Facility) waive service of summons.

#### B. Local Civil Rule 33.2

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the Court's website under "Forms" and are titled "Plaintiff's Local Civil

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<sup>1</sup> Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(b)(1).

Rule 33.2 Interrogatories and Requests for Production of Documents.” Within 120 days of service of the complaint, Defendant must serve responses to these standard discovery requests. In their responses, Defendant must quote each request verbatim.<sup>2</sup>

### CONCLUSION

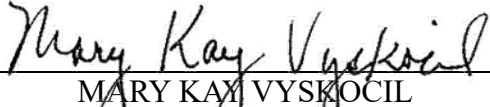
The Clerk of Court is directed to notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that Correction Officer Hiraldo waive service of summons.

The Clerk of Court is further directed to mail an information package to Plaintiff at Elmira Correctional Facility.

Local Civil Rule 33.2 applies to this action.

SO ORDERED.

Dated: April 19, 2022  
New York, New York

  
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MARY KAY VYSKOCIL  
United States District Judge

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<sup>2</sup> If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the Pro Se Intake Unit.